

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2425**

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**Introduced by Assembly Member Quirk**

February 21, 2014

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An act to amend ~~Section~~ *Sections 100700 and 100703* of the Health and Safety Code, relating to laboratories.

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, as amended, Quirk. Laboratories: review committee.

Existing law requires laboratories engaging in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purposes of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations to comply with various existing State Department of ~~Health Care Services~~ *Public Health* regulations regarding the inspection of laboratories, collection and handling of samples, methods of analysis, and laboratory records, until the time those regulations are revised, as specified. Existing law requires the State Department of ~~Health Care Services~~ *Public Health* to establish a review committee, which is required to meet at least once in each 5-year period after its initial meeting, or within 60 days of receipt of a request by the department or a member of the review committee, to evaluate and determine revisions to relevant department regulations. Existing law requires the review committee to submit a summary of those revisions to the California Health and Human Services Agency and authorizes the agency to disapprove of one or more of those revisions within 90 days of receiving them. *Existing law requires the department to adopt regulations to incorporate the review committee's revisions.*

~~This bill would instead require the California Health and Human Services Agency to approve of those revisions within 90 days of receiving them from the review committee: exempt laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board or another accrediting agency approved by the review committee from the existing State Department of Public Health regulations described above until the time when the department adopts regulations that incorporate the review committee's revisions. The bill would instead require the review committee to meet at least once in each 3-year period after its initial meeting and would require the review committee, in determining revisions, to take into consideration the advancement and development of scientific processes, including the reporting of results with an estimated uncertainty measurement. The bill would instead authorize the California Health and Human Services agency to disapprove of one or more of the review committee's revisions within 30 days of receiving them. This~~

*This bill would make an additional conforming change to existing law.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 100700 of the Health and Safety Code is  
2     amended to read:  
3     100700. (a) ~~Laboratories~~ (1) Except as provided in paragraph  
4     (2), laboratories engaged in the performance of forensic alcohol  
5     analysis tests by or for law enforcement agencies on blood, urine,  
6     tissue, or breath for the purposes of determining the concentration  
7     of ethyl alcohol in persons involved in traffic accidents or in traffic  
8     violations shall comply with Group 8 (commencing with Section  
9     1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of  
10    the California Code of Regulations, as they exist on December 31,  
11    2004, until the time when those regulations are revised pursuant  
12    to Section 100703.  
13    (2) *Laboratories that are accredited in forensic alcohol analysis*  
14    *by the American Society of Crime Laboratory Directors/Laboratory*  
15    *Accreditation Board or another accrediting agency approved by*  
16    *the review committee established pursuant to Section 100703 shall*

1 *be exempt from the requirements in Group 8 (commencing with*  
2 *Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title*  
3 *17 of the California Code of Regulations, as they exist on January*  
4 *1, 2015, until the time when the department adopts regulations*  
5 *that incorporate the review committee's revisions pursuant to*  
6 *Section 100703.*

7 (b) Notwithstanding subdivision (a), the department shall not  
8 require laboratories to be licensed.

9 **SECTION 1.**

10 *SEC. 2.* Section 100703 of the Health and Safety Code is  
11 amended to read:

12 100703. (a) On or before July 1, 2005, the department shall  
13 establish a review committee.

14 (b) The review committee shall have eight members, including  
15 one person representing each of the following:

16 (1) Prosecuting attorneys.

17 (2) Law enforcement agencies.

18 (3) Defense attorneys.

19 (4) Coroners, pathologists, or medical examiners.

20 (5) Criminalists.

21 (6) Toxicologists.

22 (7) Crime laboratory directors.

23 (8) The State Department of ~~Health Care Services~~ *Public Health*.

24 (c) The review committee shall meet at least once in each  
25 ~~five-year~~ *three-year* period after its initial meeting, or within 60  
26 days of receipt of a request by the department or a member of the  
27 review committee.

28 (d) The review committee shall evaluate Group 8 (commencing  
29 with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of  
30 Title 17 of the California Code of Regulations and determine  
31 revisions that will limit those regulations to those that the review  
32 committee determines are reasonably necessary to ensure the  
33 competence of the laboratories and employees to prepare, analyze,  
34 and report the results of the tests and comply with applicable laws.  
35 *In determining revisions, the review committee shall also take into*  
36 *consideration the advancement and development of scientific*  
37 *processes, including the reporting of results with an estimated*  
38 *uncertainty measurement.* The review committee shall submit a  
39 summary of revisions to the California Health and Human Services  
40 Agency.

1 (e) Within ~~90~~ 30 days of receiving the review committee's  
2 revisions, the California Health and Human Services Agency ~~shall~~  
3 ~~approve those revisions~~ *may disapprove of one or more of those*  
4 *revisions.*

5 (f) ~~The~~ (1) *Except as provided in paragraph (2), the* department  
6 shall adopt regulations pursuant to this section that shall incorporate  
7 the review committee's revisions. Nothing in this section shall be  
8 construed as exempting the regulations from the requirements of  
9 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
10 3 of Title 2 of the Government Code.

11 (2) *The department shall not adopt regulations to incorporate*  
12 *any review committee revisions that were disapproved under*  
13 *subdivision (e).*